

**FAX TRANSMISSION**

JAN 18 2005

**DATE:** January 18, 2005**PTO IDENTIFIER:** Application Number 10/001945-Cont' #9920  
Patent Number**Inventor:** Charles M. COOK et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 672-9306**FROM:** LAHIVE & COCKFIELD, LLP  
Maria Laccotripe Zacharakis, Ph.D., J.D.**PHONE:** (617) 227-7400**Attorney Dkt. #:** PPI-106CP2**PAGES (Including Cover Sheet):** 6**CONTENTS:** This Fax Cover Sheet (1 page)  
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Transmittal (1 page)  
Response to Restriction Requirement (with Traverse) (3 pages)

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Application No. (if known): 10/001945

Attorney Docket No.: PPI-106CP2

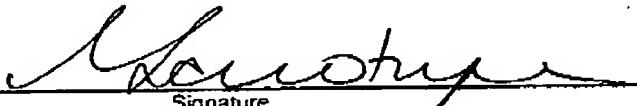
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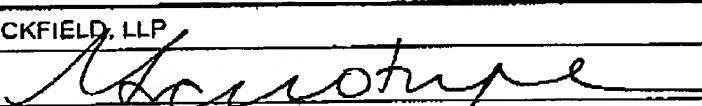
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/001945-Conf. #9920
		Filing Date	November 1, 2001
		First Named Inventor	Charles M. COOK
		Art Unit	1654 C
		Examiner Name	Russel, Jeffrey
Total Number of Pages in This Submission		Attorney Docket Number	PPI-106CP2

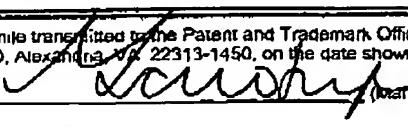
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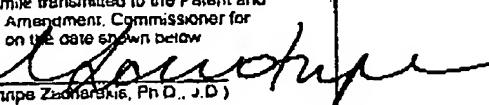
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Firm Name	LAHIVE & COCKFIELD, LLP		
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Printed name	Maria Laccotripe Zacharakis, Ph.D., J.D.		
Date	January 18, 2005	Reg. No.	56,266

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Dated: January 18, 2005

Signature:  (Maria Laccotripe Zacharakis, Ph.D., J.D.)

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Dated: January 18, 2005 Signature:   
(Mana Laccourpe-Zehnerakis, Ph.D., J.D.)

Docket No.: PPI-106CP2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Charles M. Cook *et al.*

Application No.: 10/001945

Confirmation No.: 9920

Filed: November 1, 2001

Art Unit: 1654

For: **THERAPEUTIC AGENTS AND METHODS  
OF USE THEREOF FOR THE MODULATION  
OF ANGIOGENESIS**

Examiner: Russel, Jeffrey

JAN 13 2005

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed December 16, 2004.

In the Office Action, the Examiner has required, under 35 U.S.C. §121, restriction to one of the peptide sequences identified as SEQ ID NOs:2-23 and 35.

Accordingly, Applicants hereby elect SEQ ID NO:16 for continued examination, *with traverse.*

Applicants hereby *traverse* the foregoing Restriction Requirement on the grounds that compounds comprising the peptides of SEQ ID NOs:2-23 and 35 should be re-grouped as a single invention, as these peptides are connected in design, operation, and effect, *i.e.*, are not independent (M.P.E.P. §808.01). Applicants have presented claims which are directed to compounds comprising a Fumagillin core coupled to a peptide, which function as angiogenesis inhibitors. These compounds have the same design and operation: coupling the Fumagillin core to a peptide of SEQ ID NOs: 2-23 and 35 prevents the metabolic degradation of the angiogenesis

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inhibitor compound to ensure a superior pharmacokinetic profile and limits CNS side effects by altering the ability of the angiogenesis inhibitor compound to cross the blood brain barrier. Moreover, these compounds have the same effect: they modulate angiogenesis by inhibiting methionine aminopeptidase 2 (MetAP-2).

For the foregoing reasons, Applicants respectfully submit that a sufficient search and examination with respect to the inventions comprising the peptides of SEQ ID NOs:2-23 and 35 can be made without a serious burden on the Examiner. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803.

The searches with regard to the compounds comprising the peptides of SEQ ID NOs:2-23 and 35 would be co-extensive and would not involve a serious burden on the Examiner.

Applicants believe that, in this situation, a *species election* may be more proper for searching purposes only, posing no undue burden on the Examiner. Applicants point the Examiner's attention to USSN: 09/704,251 and USSN 09/972,772, where the same Examiner has only required a species election for searching purposes, for the peptides of SEQ ID NOs:2-23 and 35. A restriction under 35 U.S.C. § 121 is improper for above-stated reasons. Accordingly, Applicants hereby request that the inventions directed to compounds comprising SEQ ID NOs:2-23 and 35 be combined into a single Group.

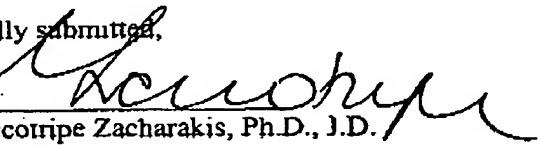
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Docket No.: PPI-106CP2

Applicants believe that no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. PPI-106CP2 from which the undersigned is authorized to draw.

Dated: January 18, 2005

Respectfully submitted,

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